



**CITY OF MORGAN HILL  
COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Hedy L. Chang, Mayor Pro Tempore  
Cynthia J. Cook, Council Member  
Steve Tate, Council Member  
Greg Sellers, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chairperson  
Cynthia J. Cook, Vice-Chairperson  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member  
Greg Sellers, Agency Member

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**WEDNESDAY DECEMBER 1, 1999**

**CITY COUNCIL AGENDA**

**and**

**SPECIAL REDEVELOPMENT AGENCY AGENDA**

**SPECIAL MEETING**

**5:30 PM**

*A Special Meeting is called at 5:30 P.M. for the purpose of holding  
Closed Sessions.*

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**Dennis Kennedy, Mayor**

**CALL TO ORDER**

(Mayor/Agency Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**OPPORTUNITY FOR PUBLIC COMMENT**

**REDEVELOPMENT AGENCY AND CITY COUNCIL JOINT CLOSED SESSION:**

1

**Conference with Legal Counsel – Anticipated Litigation**

Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Government Code Section 54956.9: (1 case)

2.

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Manager

Attendees: City Council; City Manager; City Attorney; R. William Mathis

**CLOSED SESSION ANNOUNCEMENT:**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**CERTIFICATES OF RECOGNITION**

Curtis Konno, Ericsson Group  
*Volunteer Efforts*

**CITY COUNCIL REPORT**

Council Member Cook

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE  
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT  
IT TO THE CITY CLERK.**  
(See notice attached to the end of this agenda.)

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
1)	60 minutes	<b><u>REQUEST TO APPROVE A PROPOSAL FOR THE RELOCATION AND REHABILITATION OF THE MORGAN HILL ELEMENTARY SCHOOL BUILDING</u></b> <i>(Continued from 11/23/99 meeting)</i> . . . . .	1
		<b><u>Recommended Action:</u></b>	
		1. <b><u>Approve</u></b> the Di Salvo Proposal for the Relocation and Rehabilitation of the Morgan Hill Elementary School Building; and	
		2. <b><u>Direct</u></b> Staff to Negotiate and <b><u>Prepare</u></b> an Agreement with J. L. Di Salvo and His Project Team.	

## ***City Council and Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
2)	90 minutes	<b><u>GENERAL PLAN AMENDMENT GPA-98-01 &amp; ZONING AMENDMENT APPLICATION ZA-99-14: CITY OF MORGAN HILL</u></b> . . . . .	69
		<i>(Continued from 11/23/99 meeting)</i>	
		<b><u>Recommended Action:</u></b> Request staff presentation.	
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		<b><u>Council Discussion.</u></b>	
		<b><u>City Council Action:</u></b>	
		Action - <u>Motion to Certify</u> the EIR and Direct Staff to Return with the Appropriate Findings Pursuant to the California Environmental Quality Act;	
		Action - <u>Motion to Continue</u> the General Plan Amendments and Zone Change to the Meeting of December 15, 1999.	
		<b><u>Redevelopment Agency Discussion.</u></b>	
		<b><u>Redevelopment Agency Action:</u></b>	
		Action - <u>Motion to Certify</u> the EIR and Direct Staff to Return with Appropriate Findings Pursuant to the California Environmental Quality Act;	
		Action - <u>Motion to Continue</u> Conceptual Approval of the Corner of Monterey Road and Dunne Avenue for a Community Center of Approximately 44,000 Square Feet to the Meeting of December 15, 1999.	

## City Council Action

### CONSENT CALENDAR:

The Consent Calendar, Agenda Items #3 through #4 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

#### Time

#### Estimate

#### Page

Consent Calendar: 15 - 30 Minutes

3. **APPROVAL OF IMPROVEMENT AGREEMENT WITH SAINT CATHERINE'S CHURCH - PEAK AVENUE & NOBLE COURT (APN 767-04-010)** ..... 103  
**Recommended Action:** **Approve** the Improvement Agreement and **Authorize** the City Manager to Sign the Agreement on behalf of the City with the Roman Catholic Bishop of San Jose, a Corporation Sole, at Peak Avenue & Noble Court (APN 767-04-010).
4. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR WESTMORELAND PARK (TRACT 9012)** ..... 113  
**Recommended Action:**
  1. **Adopt** Resolution No. 5336 Accepting the Public Improvements for Tract 9012, Commonly Known as West Edmundson - Westmoreland Park, and
  2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

### OTHER BUSINESS:

5. 15 minutes **ZONING AMENDMENT APPLICATION ZAA-95-11: SANDALWOOD-NELSEN** ... 119  
*(Continued from 11/23/99 meeting)*  
**Recommended Action:**
  1. **Waive** the Reading in Full of Ordinance No. 1466, N.S., the Residential Planned Development (RPD) Ordinance; and
  2. **Introduce** Ordinance No. 1466, N.S. by Title Only.

### PUBLIC HEARINGS:

#### Time

#### Estimate

#### Page

6. 10 minutes **RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY FIRE MARSHAL TO ABATE WEEDS** ..... 135  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action – **Motion to Adopt** Resolution No. 5335 Authorizing the Santa Clara County Fire Marshal to Abate Weeds.

	Time Estimate		Page
7.	10 minutes	<p><b><u>DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-99-15: CALLE SIENA - GARCIA</u></b> ..... 163</p> <p><b>Recommended Action:</b> Request staff presentation.  Public Hearing opened.  Please limit your remarks to 3 minutes. Public Hearing closed.  Council discussion.  Action-            <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1467, N.S., the Development Agreement Amendment (DAA) Ordinance;  <u>Motion to Introduce</u> Ordinance No. 1467, N.S. by Title Only.</p>	
8.	20 minutes	<p><b><u>APPEAL OF COMMUNITY DEVELOPMENT DEPARTMENT FINDING OF INCONSISTENCY WITH THE ZONING ORDINANCE AND REJECTION OF MEASURE P APPLICATION MP-99-18. APPEAL APPLICATION AP-99-03: BUTTERFIELD - THE DE SILVA GROUP. (APN 726-12-006)</u></b> ..... 181</p> <p><b>Recommended Action:</b> Request staff presentation.  Public Hearing opened.  Please limit your remarks to 3 minutes. Public Hearing closed.  Council discussion.  <b>Council Discretion.</b> <u>Should</u> the City Council Wish to Grant the Appeal,  Action --            Motion to Adopt Resolution #5334, with Findings, Would be Recommended.</p>	
9.	5 minutes	<p><b><u>ZONING AMENDMENT APPLICATION ZA 99-16: CITY OF MORGAN HILL - WOOD SMOKE ORDINANCE</u></b> ..... 189</p> <p><b>Recommended Action:</b> Request staff presentation.  Public Hearing opened.  Please limit your remarks to 3 minutes. Public Hearing closed.  Action -            <u>Motion to Continue</u> Public Hearing to December 15, 1999.</p>	

**OTHER BUSINESS: (continued)**

	Time Estimate		Page
10.	10 minutes	<p><b><u>AWARD OF CONTRACT FOR CONSTRUCTION OF SOUTHBOUND 101/COCHRANE ROAD TRAFFIC SIGNAL MODIFICATION</u></b> ..... 191</p> <p><b>Recommended Action:</b></p> <ol style="list-style-type: none"> <li>1. <b><u>Appropriate</u></b> \$23,320 and Transfer from the Non-AB 1600 Public Facility Fund to the Street Fund for the Southbound 101/Cochrane Road Traffic Signal Modification, and</li> <li>2. <b><u>Award</u></b> Contract to Mike Brown Electric Company for the Construction of Southbound 101/Cochrane Road Traffic Signal Modification in the Amount of \$21,200.</li> </ol>	

*City Council and Redevelopment Agency Action*

**CONSENT CALENDAR:**

	<b>Time Estimate Consent Calendar: 5 -10 Minutes</b>	<b>Page</b>
<b>11.</b>	<b><u>APPROVAL OF SPECIAL JOINT MEETING MINUTES OF NOVEMBER 3, 1999</u></b>	<b>193</b>

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**